

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HELEN A. RUNGE,	:	
Plaintiff	:	
	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

MOTION FOR ENLARGEMENT OF TIME TO SUBMIT EXPERT  
REPORTS AS TO DEFENDANTS SUNBRIDGE AND BLOOMINGDALE

AND NOW, COMES, Plaintiff, Helen A. Runge ("Plaintiff"), by and through her counsel, and motions for an enlargement of time to submit her expert reports as to Defendant Sunbridge Nursing and Rehabilitation Center ("Defendant Sunbridge") and Defendant Kerry L. Bloomingdale ("Defendant Bloomingdale") and states the following:

1. On April 27, 2005, Plaintiff filed with this Honorable Court her initial Complaint.
2. Plaintiff filed an Amended Complaint on August 7, 2006, as permitted by Court Order entered July 28, 2006, and a Second Amended Complaint on January 8, 2007, as permitted by Court Order entered January 5, 2007.

3. By Court Order entered February 2, 2007, Plaintiff was granted an extension of time to March 2, 2007 to file expert reports as to Defendants Sunbridge and Bloomingdale, which time period has not expired.

4. Plaintiff originally had requested an extension of time to file expert reports as to Defendants Sunbridge and Bloomingdale because Defendant Sunbridge had not produced significant documentation needed for an expert review of Defendants Sunbridge's and Bloomingdale's actions. Plaintiff incorporates herein as if set forth at length her Motion for Enlargement of Time to Submit Expert Report as to Defendant Sunbridge filed January 12, 2007 (Document 69) and Motion for Enlargement of Time to Submit Expert Report as to Defendant Bloomingdale filed January 16, 2007 (Document 71).

5. Plaintiff has been diligent in pursuing discovery and requesting relevant documentation from Defendant Sunbridge that is essential for adequate expert review of Defendants Sunbridge's and Bloomingdale's actions.

6. Since this Court granted Plaintiff an extension of time to file expert reports on February 2, 2007, Plaintiff again contacted Defendant Sunbridge regarding the outstanding discovery responses and the possible filing of a Motion to Compel. See Plaintiff's Correspondence dated February 2, 2007 attached as Exhibit A to the instant Motion.

7. Plaintiff has received no response to the February 2, 2007 correspondence.

8. On February 27, 2007, Plaintiff filed a Motion to Compel Discovery Responses from Defendant Sunbridge (Document 88), which motion is pending.

9. Plaintiff respectfully requests that this Honorable Court grant Plaintiff an enlargement of time to file expert reports as to Defendants Sunbridge and Bloomingdale because Defendant Sunbridge still has not produced the documents necessary for expert review of Defendants Sunbridge's and Bloomingdale's actions.

10. In support of the instant Motion, Plaintiff incorporates her Memorandum of Reasons In Support of Motion for Enlargement of Time to Submit Expert Reports as to Defendants Sunbridge and Bloomingdale.

WHEREFORE, Plaintiff, Helen A. Runge, respectfully requests that this Honorable Court grant Plaintiff's Motion for Enlargement of Time to Submit Expert Reports as to Defendants Sunbridge and Bloomingdale.

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: March 2, 2007

By /s/ Glenn R. Davis  
Glenn R. Davis  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050  
(717) 620-2424  
gdavis@ldylaw.com  
*Pro Hac Vice*

Blake J. Godbout, BBO #196380  
BLAKE J. GODBOUT & ASSOCIATES  
33 Broad Street, 11th Floor  
Boston, MA 02109  
(617) 523-6677

Attorneys for Plaintiff, Helen A. Runge

**LOCAL RULE 7.1 CERTIFICATION**

I, Glenn R. Davis, counsel for Plaintiff, Helen A. Runge, certify that we have contacted counsel for Defendants Walter J. Kelly, Kerry L. Bloomingdale, M.D., and Sunbridge Nursing and Rehabilitation Center regarding Plaintiff Helen A. Runge's Motion for Enlargement of Time to Submit Expert Reports as to Defendants Sunbridge and Bloomingdale. Counsel for Defendant Walter J. Kelly concurs to the extent that an additional 30 days beyond the extension sought by Plaintiff be given for him disclose experts as to Defendants Sunbridge and Bloomingdale. Counsel for Defendants Kerry L. Bloomingdale and Sunbridge Nursing and Rehabilitation Center have not yet provided their position, whether it be concurrence or nonconcurrence, with the presentation of this motion.

Dated: March 2, 2007

/s/ Glenn R. Davis

Glenn R. Davis

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each party by electronic transmission.

James S. Hamrock, Jr.  
Hamrock & Tocci  
101 Main Street, 18th Floor  
Cambridge, MA 02142  
jhamrock@htclaw.com

Michele Carlucci  
George S. Rockas  
Wilson Elser Moskowitz Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110  
michele.carlucci@wilsonelser.com  
george.rockas@wilsonelser.com

Michael Williams  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 145  
Boston, MA 02210-1736  
mwilliams@lawson-weitzen.com

Dated: March 2, 2007

/s/ Glenn R. Davis  
Glenn R. Davis



PLEASE REPLY TO:  
WRITER'S E-MAIL:

Mechanicsburg  
gdavis@ldylaw.com

February 2, 2007

Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-1736

VIA FACSIMILE AND  
FIRST-CLASS MAIL

Re: Helen A. Runge v. Walter J. Kelly, et al.  
No. 05-10849-RGS  
Our File No. 812-03

Dear Mr. Williams:

On various occasions, we have had an opportunity to discuss plaintiff's outstanding discovery against your client, Sunbridge Nursing and Rehabilitation Center. Those discussions began in September 2006 at a time when your client was outside of the scope of time to respond to our May 2006 discovery. It was my understanding from the September discussions that your client would be sending the plaintiff's medical record in response to the Request for Production of Documents and would thereafter supplement the Request with the remainder of the documents we were seeking.

Since that time, we have not received your supplemental production. Two weeks past, we again discussed this matter and I indicated to you that unless we receive the documents in the near future, we would be forced to file a motion to compel discovery with the court. In accordance with my representations at that time, please find enclosed a motion to compel discovery which we intend to file on February 12, 2007, unless we hear from you that responsive documents are being produced. I would also ask that you provide me with Defendant Sunbridge's position with regard to the filing of this motion if the decision is not to provide documents by the date indicated.

1700 Bent Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 620-2424 • FAX (717) 620-2444

350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 524-8454 • FAX (610) 524-9383

3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

Maryland Telephone: (410) 727-2810

Michael Williams, Esq.  
February 2, 2007  
Page 2

Thanking you in advance for your anticipated attention to this matter.

Very truly yours,



Glenn R. Davis

/hs

Enclosure

cc: Blake J. Godbout, Esq.  
Gilbert Stanley

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HELEN A. RUNGE,	:	
Plaintiff	:	
v.	:	No. 05-10849-RGS
	:	(Judge Stearns)
WALTER J. KELLY, et al.	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
upon consideration of Plaintiff's Motion for Enlargement of Time to Submit Expert  
Reports as to Defendants Sunbridge and Bloomingdale, it is hereby ORDERED and  
DECREED that said Motion is GRANTED.

BY THE COURT:

---

Richard C. Stearns, J.